

FILED

2005 Apr-05 PM 01:04
U.S. DISTRICT COURT
N.D. OF ALABAMA

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

2005 JUL -6 A 11: 07

DIEDRA R. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

KONDELL WRIGHT,

Petitioner,

vs.

BILLY MITCHEM, Warden, and the
ATTORNEY GENERAL OF THE STATE
OF ALABAMA,

Respondents.

Case No. 5:05-CV-301-SLB-TMP

2:05CV 630-T

ORDER OF TRANSFER

Petitioner filed the instant habeas action in this court on February 7, 2005, seeking habeas relief with respect to convictions in the Circuit Court of Montgomery County, Alabama, that took place on January 8, 2003. Petitioner currently is incarcerated at the Limestone Correctional Facility, serving a life sentence as a result of the convictions.

Although jurisdiction properly exists in this court based on the petitioner's physical incarceration within this district, the convictions being challenged occurred in a county located in the federal judicial district encompassed by the United States District Court for the Middle District of Alabama. Title 28 U.S.C. § 2241(d) provides as follows:

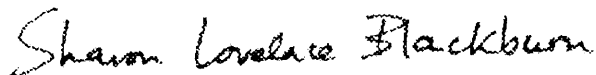
(d) Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a States court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the States court was held which convicted and sentenced him and each district shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

A TRUE COPY
PERRY D. MATHIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: *[Signature]*
DEPUTY CLERK

The court believes that transfer of this case to the Middle District of Alabama would be in furtherance of justice, because it is in that district in which the records and witnesses relating to the challenged convictions are located.

It is, therefore, **ORDERED**, that this action be and hereby is **TRANSFERRED** to the United States District Court for the Middle District of Alabama, and the Clerk is **DIRECTED** to take such steps as are necessary to effectuate the transfer promptly.

DONE this the 5th day of April, 2005.



SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE

FILED

2005 Feb-22 PM 02:13
U.S. DISTRICT COURT
N.D. OF ALABAMA

RECEIVED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

2005 JUL -6 A 11: 07

DEBRA R. HARNETT, CLK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALA

KONDELL WRIGHT, #227567

Petitioner,

vs.

Case No. 5:05-301-B-TMP

BILLY MITCHEM, Warden;
ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

NOTICE OF DEFICIENT PLEADING

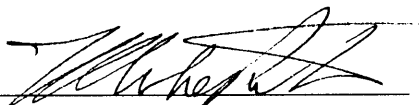
Petitioner's pleading is deficient for the reason indicated below. Petitioner must correct the deficient pleading within thirty (30) days from the entry date of this order.

: Petitioner failed to file an application to proceed *in forma pauperis* or to pay the filing fee of \$5.00. Petitioner must either file an application to proceed *in forma pauperis* or pay the filing fee of \$5.00. An application to proceed *in forma pauperis* must be verified by an authorized officer of the institution and must be accompanied by a certified copy of prison account statements for the last six months.

If the petitioner fails to correct the deficient pleading in compliance with this notice within thirty (30) days from the entry date of this notice, the court may dismiss this case for want of prosecution. Fed.R.Civ.P. 41(b).

The Clerk is DIRECTED to serve a copy of this Notice upon the petitioner, along with an application to proceed *in forma pauperis*.

DATED this 22nd day of February, 2005.


T. MICHAEL PUTNAM
U.S. MAGISTRATE JUDGE